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**International Law Commission**
**Sixty-seventh session**
Geneva, 4 May-5 June and 6 July-7 August 2015

# Draft report of the International Law Commission on the work of its sixty-seventh session

*Rapporteur*: Mr. M. **Vázquez-Bermúdez**

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## Introduction

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# Chapter I

# Introduction

1. The International Law Commission held the first part of its sixty-seventh session from 4 May to 5 June 2015 and the second part from 6 July to 7 August 2015 at its seat at the United Nations Office at Geneva. The session was opened by Mr. Shinya Murase, First Vice-Chairman of the sixty-sixth session of the Commission.

## A. Membership

2. The Commission consists of the following members:

Mr. Mohammed Bello Adoke (Nigeria)

Mr. Ali Mohsen Fetais Al-Marri (Qatar)

Mr. Lucius Caflisch (Switzerland)

Mr. Enrique J.A. Candioti (Argentina)

Mr. Pedro Comissário Afonso (Mozambique)

Mr. Abdelrazeg El-Murtadi Suleiman Gouider (Libya)

Ms. Concepción Escobar Hernández (Spain)

Mr. Mathias Forteau (France)

Mr. Juan Manuel Gómez-Robledo (Mexico)

Mr. Hussein A. Hassouna (Egypt)

Mr. Mahmoud D. Hmoud (Jordan)

Mr. Huikang Huang (China)

Ms. Marie G. Jacobsson (Sweden)

Mr. Maurice Kamto (Cameroon)

Mr. Kriangsak Kittichaisaree (Thailand)

Mr. Roman A. Kolodkin (Russian Federation)[1]

Mr. Ahmed Laraba (Algeria)

Mr. Donald M. McRae (Canada)

Mr. Shinya Murase (Japan)

Mr. Sean D. Murphy (United States of America)

Mr. Bernd H. Niehaus (Costa Rica)

Mr. Georg Nolte (Germany)

Mr. Ki Gab Park (Republic of Korea)

Mr. Chris Maina Peter (United Republic of Tanzania)

Mr. Ernest Petrič (Slovenia)

[1] See para. 3 below.

Mr. Gilberto Vergne Saboia (Brazil)

Mr. Narinder Singh (India)

Mr. Pavel Šturma (Czech Republic)

Mr. Dire D. Tladi (South Africa)

Mr. Eduardo Valencia-Ospina (Colombia)

Mr. Marcelo Vázquez-Bermúdez (Ecuador)

Mr. Amos S. Wako (Kenya)

Mr. Nugroho Wisnumurti (Indonesia)

Mr. Michael Wood (United Kingdom of Great Britain and Northern Ireland)

## B. Casual vacancy

3. On 8 May 2015 the Commission elected Mr. Roman A. Kolodkin to fill the casual vacancy occasioned by the resignation of Mr. Kirill Gevorgian.

## C. Officers and the Enlarged Bureau

4. At its 3244th meeting, on 4 May 2015, the Commission elected the following officers:

| | |
|---|---|
| Chairman: | Mr. Narinder Singh (India) |
| First Vice-Chairman: | Mr. Amos S. Wako (Kenya) |
| Second Vice-Chairman: | Mr. Pavel Šturma (Czech Republic) |
| Chairman of the Drafting Committee: | Mr. Mathias Forteau (France) |
| Rapporteur: | Mr. Marcelo Vázquez-Bermúdez (Ecuador) |

5. The Enlarged Bureau of the Commission was composed of the officers of the present session, the previous Chairmen of the Commission [2] and the Special Rapporteurs.[3]

6. The Commission set up a Planning Group composed of the following members: Mr. Amos S. Wako (Chairman), Mr. L. Caflisch, Mr. P. Comissário Afonso, Mr. A. El-Murtadi Suleiman Gouider, Ms. C. Escobar Hernández, Mr. M. Forteau, Mr. H.A. Hassouna, Mr. M.D. Hmoud, Mr. H. Huang, Ms. M.G. Jacobsson, Mr. K. Kittichaisaree, Mr. A. Laraba, Mr. D.M. McRae, Mr. S. Murase, Mr. S.D. Murphy, Mr. B.H. Niehaus, Mr. G. Nolte, Mr. K.G. Park, Mr. E. Petrič, Mr. P. Šturma, Mr. D.D. Tladi, Mr. N. Wisnumurti, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

## D. Drafting Committee

7. At its 3245th, 3250th, 3257th, 3261st, 3269th, 3278th and 3280th meetings, on 5, 13 and 27 May and on 3 June and 14, 24 and 29 July 2015, the Commission established a Drafting Committee, composed of the following members for the topics indicated:

[2] Mr. L. Caflisch, Mr. E. Candioti, Mr. M. Kamto, Mr. B.H. Niehaus, Mr. E. Petrič and Mr. N. Wisnumurti.

[3] Ms. C. Escobar Hernández, Mr. J.M. Gómez-Robledo, Ms. M. G. Jacobsson, Mr. M. Kamto, Mr. S. Murase, Mr. S.D. Murphy, Mr. G. Nolte, Mr. D.D. Tladi, Mr. E. Valencia-Ospina and Mr. M. Wood.

(a) *Identification of customary international law*: Mr. M. Forteau (Chairman), Mr. M. Wood (Special Rapporteur), Mr. M.D. Hmoud, Mr. H. Huang, Mr. M. Kamto, Mr. K. Kittichaisaree, Mr. R.A. Kolodkin, Mr. D.M. McRae, Mr. S. Murase, Mr. S.D. Murphy, Mr. G. Nolte, Mr. K.G. Park, Mr. E. Petrič, Mr. P. Sturma, Mr. D.D. Tladi, and Mr. M. Vázquez-Bermúdez (*ex officio*).

(b) *Protection of the atmosphere*: Mr. M. Forteau (Chairman), Mr. S. Murase (Special Rapporteur), Mr. M.D. Hmoud, Mr. H. Huang, Mr. M. Kamto, Mr. K. Kittichaisaree, Mr. D.M. McRae, Mr. S.D. Murphy, Mr. G. Nolte, Mr. K.G. Park, Mr. E. Petrič, Mr. D.D. Tladi, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

(c) *Crimes against humanity*: Mr. M. Forteau (Chairman), Mr. S.D. Murphy (Special Rapporteur), Ms. C. Escobar Hernández, Mr. M.D. Hmoud, Ms. M.G. Jacobsson, Mr. M. Kamto, Mr. K. Kittichaisaree, Mr. R.A. Kolodkin, Mr D.M. McRae, Mr. K.G. Park, Mr. E. Petrič, Mr. G.V. Saboia, Mr. D.D. Tladi, Mr. A.S. Wako, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

(d) *Subsequent agreements and subsequent practice in relation to the interpretation of treaties*: Mr. M. Forteau (Chairman), Mr. G. Nolte (Special Rapporteur), Mr. K. Kittichaisaree, Mr. R.A. Kolodkin, Mr. D.M. McRae, Mr. S.D. Murphy, Mr. K.G. Park, Mr. P. Šturma, Mr. D.D. Tladi, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

(e) *Protection of the environment in relation to armed conflicts*: Mr. M. Forteau (Chairman), Ms. M.G. Jacobsson (Special Rapporteur), Ms. C. Escobar Hernández, Mr. J.M. Gomez-Robledo, Mr. M.D. Hmoud, Mr. H. Huang, Mr. K. Kittichaisaree, Mr. D.M. McRae, Mr. S. Murase, Mr. S.D. Murphy, Mr. G. Nolte, Mr. K.G. Park, Mr. G.V. Saboia, Mr. P. Šturma, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

(f) *Immunity of State officials from foreign criminal jurisdiction*: Mr. M. Forteau (Chairman), Ms. C. Escobar Hernández (Special Rapporteur), Mr. M.D. Hmoud, Ms. M.G. Jacobsson, Mr. M. Kamto, Mr. K. Kittichaisaree, Mr. R.A. Kolodkin, Mr. D.M. McRae, Mr. S.D. Murphy, Mr. G. Nolte, Mr. K.G. Park, Mr. E. Petrič, Mr. G.V. Saboia, Mr. D.D. Tladi, Mr. A.S. Wako, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

(g) *Provisional applications of treaties*: Mr. M. Forteau (Chairman), Mr. J.M. Gomez-Robledo (Special Rapporteur), Ms. C. Escobar Hernández, Mr. M. Kamto, Mr. R.A. Kolodkin, Mr. D.M. McRae, Mr. S.D. Murphy, Mr. G. Nolte, Mr. K.G. Park, Mr. E. Petrič, Mr. D.D. Tladi, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

8. The Drafting Committee held a total of ... meetings on the eight topics indicated above.

## E. Study Group

9. At its 3249th meeting on 12 May 2015, the Commission reconstituted the following Study Group:

(a) *Study Group on Most-Favoured-Nation clause*: Mr. D.M. McRae (Chairman), Mr. L. Caflisch, Mr. M. Forteau, Mr. M.D. Hmoud, Mr. M. Kamto, Mr. S. Murase, Mr. S.D. Murphy, Mr. K.G. Park, Mr. N. Singh, Mr. P. Šturma, Mr. D.D. Tladi, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

10. The Planning Group reconstituted the following Working Group:

*Working Group on Long-term Programme of work for the quinquennium*: Mr. D. McRae (Chairman), Mr. L. Caflisch, Ms. C. Escobar Hernández, Mr. M. Forteau, Mr.

H.A. Hassouna, Mr. M.D. Hmoud, Ms. M.G. Jacobsson, Mr. K. Kittichaisaree, Mr. A. Laraba, Mr. S. Murase, Mr. S.D. Murphy, Mr. G. Nolte, Mr. K.G. Park, Mr. E. Petrič, Mr. N. Singh, Mr. P. Šturma, Mr. D.D. Tladi, Mr. A.S. Wako, Mr. N. Wisnumurti, Mr. M. Wood, and Mr. M. Vázquez-Bermúdez (*ex officio*).

## F. Secretariat

11. Mr. Miguel de Serpa Soares, Under-Secretary-General and United Nations Legal Counsel, represented the Secretary-General. Mr. George Korontzis, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary to the Commission and, in the absence of the Legal Counsel, represented the Secretary-General from 4 May to 5 June 2015. Mr. Huw Llewellyn, Principal Legal Officer, served as Principal Assistant Secretary. Upon the retirement of Mr. George Korontzis and the appointment of Mr. Huw Llewellyn as Director of the Codification Division of the Office of Legal Affairs, Mr. Huw Llewellyn served as Secretary to the Commission from 8 June 2015. Mr. Trevor Chimimba and Mr. Arnold Pronto, Senior Legal Officers, served as Senior Assistant Secretaries. Ms. Hanna Dreifeldt-Lainé and Mr. David Nanopoulos, Legal Officers, served as Assistant Secretaries to the Commission.

## G. Agenda

12. At its 3244th meeting, on 4 May 2015, the Commission adopted an agenda for its sixty-seventh session consisting of the following items:

1. Organization of the work of the session.
2. Immunity of State officials from foreign criminal jurisdiction.
3. Subsequent agreements and subsequent practice in relation to the interpretation of treaties.
4. The Most-Favoured-Nation clause.
5. Provisional application of treaties.
6. Identification of customary international law.
7. Protection of the environment in relation to armed conflicts.
8. Protection of the atmosphere.
9. Crimes against humanity.
10. Programme, procedures and working methods of the Commission and its documentation.
11. Date and place of the sixty-eighth session.
12. Cooperation with other bodies.
13. Other business.